IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-1018

UNITED STATES OF AMERICA,

Petitioner,

v.

MARTIN DeWALT MAZURIE, *et al.*,

Respondents.

MOTION OF SHOSHONE AND ARAPAHOE TRIBES OF THE WIND RIVER INDIAN RESERVATION, WYOMING, *AMICI CURIAE*, FOR LEAVE TO FILE OPPOSITION TO RESPONDENTS' MOTION TO DISMISS

The Shoshone Indian Tribe and the Arapahoe Tribe of the Wind River Indian Reservation, Wyoming, *amici curiae*, move for leave to file the accompanying opposition to respondents' motion to dismiss for failure of the United States timely to file its brief.

In support of this motion, the Tribes show that they are the real parties in interest; that the decision below denies the protection of the Indian liquor laws to the Indians of the Wind River Reservation; that the Tribes have no control over the filing of the brief of the United States; and that the briefing now before the

Court is sufficient to support a summary judgment of reversal.

In the interest of justice, the Tribes urge that the Court grant this motion and deny the motion of the respondents.

Respectfully submitted,

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OPPOSITION OF SHOSHONE AND ARAPAHOE TRIBES *AMICI CURIAE* TO RESPONDENTS' MOTION TO DISMISS

The Shoshone and Arapahoe Tribes of the Wind River Indian Reservation, Wyoming, *amici curiae*, oppose the respondents' motion to dismiss for failure of the United States to file its brief within the time prescribed.

The Tribes urge that the motion be denied. The Tribes and their people are the real parties in interest. They, not the United States, would suffer the consequences of a dismissal that would leave standing the decision below. The Tribes and their people, not the United States, would have to continue to live with

liquor operations uncontrolled by Federal and tribal law. Several liquor establishments, new since the decision below, are in operation on the reservation without regard to Federal or tribal law.

The Tribes and their people have no choice but to rely on the United States in the management of the litigation. That being so, it would be unjust to penalize them for whatever confusion, or oversight, may have led to the Government's failure to file within the prescribed time.

Finally, the brief in support of the petition for a writ of certiorari, the brief of *amici* in support of the petition and the respondents' response are sufficient to demonstrate the plain error below and warrant summary reversal.

CONCLUSION

The Tribes and their people, the real parties in interest, who even now are suffering from the results of the decision of the court of appeals, should not be

made the victims of mistake or oversight beyond their control. The Court is urged to deny the respondents' motion to dismiss.

Respectfully submitted,

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